

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 18-cv-3268 (WMW/BRT)

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

Joseph H. Yennie et al.,

Defendants.

This matter is before the Court on the October 27, 2020 Report and Recommendation (R&R) of United States Magistrate Judge Becky R. Thorson. (Dkt. 115.) The R&R recommends granting Plaintiff United States of America's motion to strike Count I of Defendant Joseph H. Yennie's answer and counterclaim, granting the motion of the United States to dismiss Counts III and IV of Joseph Yennie's answer and counterclaim, and denying Defendant Sheila A. Yennie's motion to dismiss the complaint.

A district court reviews *de novo* those portions of an R&R to which an objection is made and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *accord* Fed. R. Civ. P. 72(b)(3); LR 72.2(b)(3). When a party fails to file specific objections to an R&R, *de novo* review is not required. *See Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1017 (D. Minn. 2015) (observing that objections to an R&R that "are not specific but merely repeat arguments presented to and considered by a magistrate judge are not entitled to *de novo* review, but rather are reviewed for clear error"). A district court reviews

for clear error any aspect of an R&R to which no specific objection is made. *See Grindler v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam); *see also* Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

The Court has carefully reviewed the objections filed by Defendants. The objections lack either sufficient specificity or legal merit and include arguments that have already been presented to and considered by the magistrate judge. Moreover, some of Defendants' objections are untimely. As such, Defendants' objections are overruled. Having carefully reviewed the R&R, the Court finds that it is neither clearly erroneous nor contrary to law.

Based on the R&R, the foregoing analysis, and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The objections to the R&R filed by Defendants Joseph H. Yennie and Sheila A. Yennie, (Dkts. 116, 118, 121), are **OVERRULED**.
2. The October 27, 2020 R&R, (Dkt. 115), is **ADOPTED**.
3. Plaintiff United States of America's motion to strike Count I and to dismiss Counts III and IV of Defendant Joseph H. Yennie's answer and counterclaim, (Dkt. 87), is **GRANTED**.
4. Defendant Sheila A. Yennie's motion to dismiss, (Dkt. 94), is **DENIED**.

Dated: January 19, 2021

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge